IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.24181 of 2005
DATED 8-3-2007

BETWEEN
Gandra Jaya Simha Rao.

.. Petitioner

And

The Deputy Commissioner of Police,
East Zone, Hydeabad And 4 others.

.. Respondents

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.24181 of 2005

ORDER:

The petitioner seeks issuance of a writ of mandamus declaring the action of the respondents in opening and continuing the rowdy sheet against him in spite of his acquittal in crime No.494 of 2002 as illegal and arbitrary.

Learned counsel for the petitioner submits that only one case is pending against the petitioner in Crime No.30 of 2003 for the offences under Sections 147, 447, 342, 397, 506, 120-B IPC and Section 25(1)(a) of the Arms Act and the same is pending trial in SC No.417 of 2005 on the file of the Additional Metropolitan Sessions Judge, Hyderabad. He also submits that no cases under the relevant provisions, which warrant opening of rowdy sheets, are pending against the petitioner. Therefore, pendency of a single and solitary case against the petitioner does not entitle the respondent authorities to continue the rowdy sheet opened against him anymore and the petitioner cannot be branded as a habitual offender.

Only when a person is involved in more than one case, he can be branded as

a Habitual offender. It is stated that only one case is pending against the petitioner and the rowdy sheet opened in the year 2004 was extended from time to time after 31.12.2005.

The respondents have filed a counter affidavit. However, it is silent with regard to the extension of the rowdy sheet after 31.12.2005. Under Standing Order 599 of the A.P. Police Manual, Volume –II, retention of history sheets shall be reviewed every year after expiry of two years from its opening by the concerned authority and insofar as the rowdy sheet is concerned, the concerned authority shall review every year and take a decision whether or not to continue the rowdy sheet under Police Standing Order 601. As no such review has been done in the instant case, the 4th respondent is directed to review the case of the petitioner and take an appropriate decision and communicate the same to the petitioner within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

V.ESWARAIAH,J

Dt.8.3.2007